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Tempe City Council  
January 19, 2006

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Councilmember Copple
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Vice Mayor Mitchell
  - A. Approval of Council Meeting Minutes
    1. Council Issue Review Session – November 17 & December 15, 2005  
[20060119clrkck02.pdf](#) [20060119clrkck06.pdf](#)
    2. Formal Council Meeting – November 17, December 1 & 15, 2005  
[20060119clrkck03.pdf](#) [20060119clrkck04.pdf](#) [20060119clrkck05.pdf](#)
    3. Joint Dinner Meeting of Tempe City Council and Mesa City Council – November 15, 2005 [20060119clrkck01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Apache Boulevard Project Area Committee – February 14, March 14 & May 9, 2005 [20060119apac01.pdf](#) [20060119apac02.pdf](#) [20060119apac03.pdf](#)
    5. Board of Adjustment – November 21, 2005 [20060119boa01.pdf](#)
    6. Community Special Events Task Force – January 3, 2006 [20060119setf01.pdf](#)
    7. Hearing Officer – December 20, 2005 [20060119ho01.pdf](#)
    8. Historical Museum Advisory Board – October 6, November 3 & December 1, 2005  
[20060119csjc01.pdf](#) [20060119csjc02.pdf](#) [20060119csjc03.pdf](#)
    9. Mayor's Youth Advisory Commission – December 6, 2005 [20060119myac01.pdf](#)
    10. Redevelopment Review Commission – October 4 & 18, 2005  
[20060119rrc01.pdf](#) [20060119rrc02.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
  - A. Mayor's Announcements
    - Introduction of New Zealand Sister Cities Participants
    - Board and Commission Appointments [20060119boards.pdf](#)
    - ***The Kazakh Delegation***

B. Manager's Announcements

5. **AGENDA**

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items

11. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of December 18 & 25, 2005, & January 1, 2006.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

12. Request authorization for the City Attorney to settle Maricopa County v. City of Tempe (No. CV2004-004923) and to execute any necessary settlement documents.

**DOCUMENT NAME:** [20060119casv01.pdf](#) LITIGATION SETTLEMENTS (0501-04)

13. Request for a Horizontal Regime (Condominium Plat) by CHESAPEAKE CONDOMINIUM at 200 East Southern Avenue.

**COMMENTS:** (Chesapeake Condominium Development, LLC, owner) (CC050113) #SHR-2005.124 for a Horizontal Regime for 192 unit residential condominium development on 7.0 net acres.

**DOCUMENT NAME:** [20060119dssl03.pdf](#) PLANNED DEVELOPMENT (0406)

14. Request for a Condominium Plat by COLLEGE AVENUE at 2515 South College Avenue.

**COMMENTS:** (Robert Beatty, Petunia Two LLC, property owner) (CC050124) #SHR-2006.05 for a Condominium Plat on 0.86 net acres.

**DOCUMENT NAME:** [20060119dsrl01.pdf](#) PLANNED DEVELOPMENT (0406)

15. Request for a Condominium Plat by DELARIO CONDOMINIUMS at 1014 East Spence Avenue.

**COMMENTS:** (Estrella Mountain Produce Company, property owner and Steve Taplin, applicant) (CC050127) #SHR-2006.07 for a Condominium Plat, consisting of twenty (20) condominium units, on .91 net acres.

**DOCUMENT NAME:** [20060119dspd2k04.pdf](#) PLANNED DEVELOPMENT (0406)

- \*16. This is a public hearing to recommend the approval of an Off-track Wagering Establishment License for Turf Paradise to conduct off-track wagering at Stray Cat Bar and Grill, 2433 E. University Drive.

**COMMENTS:** Eugene Joyce, Agent.

**DOCUMENT NAME:** [20060119STAX1.pdf](#) LIQ LIC (0210-02)

- \*17. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for TT Management, LLC, dba Stupid's Pizza Pub, 1301 E. University Drive, #114-116.

**COMMENTS:** Terry Thomas, Jr., Agent.

**DOCUMENT NAME:** [20060119LIQ1.pdf](#) LIQ LIC (0210-02)

- \*18. This is a public hearing to recommend the approval of a Series 4 Wholesaler's Liquor License for Vinifera Imports, Ltd., dba Vinifera Distributing of Arizona, 1419 W. 12<sup>th</sup> Place, #101.

**COMMENTS:** Andrea Levy, Agent.

**DOCUMENT NAME:** [20060119LIQ2.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

19. Request award of a Construction Manager at Risk Construction Services Contract to Achen-Gardner Engineering, LLC, plus approval of a \$200,000 construction change order allowance, for the University Drive Sewer Facility Improvements Project. Also, request approval of a professional services contract with C. Williams Construction Engineering, Inc. for construction management services.

**COMMENTS:** Subject to execution of the final written Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$2,369,852 and subject to the execution of the final written professional services contract in an amount not to exceed \$69,080.

**DOCUMENT NAME:** [20060119PWMG01.pdf](#) WASTEWATER MANAGEMENT ADMIN. (0812-01) PROJECT NO. 3201671

20. Request approval of a Professional Services Contract with Brown and Caldwell for the Southern and Priest Tempe/Mesa SRO (Salt River Outfall) Interceptor Rehabilitation Project – Phase 1.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$323,559.

**DOCUMENT NAME:** [20060119PWTG03.pdf](#) **WASTEWATER MANAGEMENT (0812-01) PROJECT NO. 3200583**

21. Request approval of a Professional Services Contract with Morrison-Maierle, Inc., for pedestrian improvements on Curry Road from Scottsdale Road to McClintock.

**COMMENTS:** Subject to execution of the final written contract for an amount not to exceed \$65,638.

**DOCUMENT NAME:** [20060119PWTG05.pdf](#) **PEDESTRIAN CROSSINGS (0809-04) PROJECT NO. 6001571**

22. Request to award a one-year contract with two (2) one-year renewal options to Basic Chemical Solutions, LLC, for the purchase of lime slurry.

**COMMENTS:** For use in water treatment. Subject to execution of final written contract. Total cost for this contract shall not exceed \$200,000 during the initial contract period.

**DOCUMENT NAME:** [20060119fsts01.pdf](#) **PURCHASES (1004-01) IFB #06-079**

23. Request to award a one-year contract with two (2) one-year renewal options to Carmanah Technologies, Inc., for bus mini-shelter solar lighting.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$115,000 during the initial contract period.

**DOCUMENT NAME:** [20060119fslg04.pdf](#) **PURCHASES (1004-01) RFP #06-102**

24. Request to award a one-year, sole source contract to AlphaCorp for Sire annual software maintenance.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$35,400 during the contract period.

**DOCUMENT NAME:** [20060119fsts06.pdf](#) **PURCHASES (1004-01) (Sole Source #06-124)**

25. Request to award a one-year contract with two (2), one-year renewal options to United Fire Equipment for self-contained breathing apparatus.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$700,000 during the initial contract period.

**DOCUMENT NAME:** [20060119fslg11.pdf](#) **PURCHASES (1004-01) RFP# 06-088**

26. Request approval of a one-year contract renewal with Rehrig Pacific Company for refuse containers.

**COMMENTS:** Total amount not to exceed \$75,000.

**DOCUMENT NAME:** [20060119fslg02.pdf](#) **PURCHASES (1004-01)** P02-0043

27. Request approval of one-month contract renewals with Lucier Chemical Industries, Ltd., Polydyne, Inc., Cal-Pacific Carbon, Inc., DPC Enterprises, Hill Brothers Chemical, and Thatcher Company of Arizona for water treatment chemicals.

**COMMENTS:** Total amount of contracts not to exceed \$140,000.

**DOCUMENT NAME:** [20060119fst07.pdf](#) **PURCHASES (1004-01)** T01-093-02, 03, 04, 06, 10, and 11

28. Request approval of a \$70,000 increase to the contract amount with Ancon Service Company for sewer and lift station cleaning.

**COMMENTS:** Increase from \$210,000 to \$280,000.

**DOCUMENT NAME:** [20060119fst03.pdf](#) **PURCHASES (1004-01)** 03PB074

29. Request approval to utilize for six (6) months a Maricopa Community College contract for the purchase of furniture on an as-needed basis.

**COMMENTS:** Total cost for contract shall not exceed \$460,000 during the contract period. Vendors on contract include Concert Business Group, Corporate Express, Dave Bang Associates, Emerling's Furniture Resource, Facilitec Interiors, Goodmans Interior Structures, and Walsh Brothers.

**DOCUMENT NAME:** [20060119fst05.pdf](#) **PURCHASES (1004-01)** 2381-8

30. Request approval to utilize a one-year Maricopa County contract with 3M Library Systems for four self-check systems for the Tempe Public Library.

**COMMENTS:** Total cost of this contract shall not exceed \$88,900 during the initial contract period.

**DOCUMENT NAME:** [20060119fsdl08.pdf](#) **PURCHASES (1004-01)** (Contract #03032C)

31. Request approval to utilize one-year City of Chandler contracts, with four (4) one-year renewal options, for water treatment chemicals.

**COMMENTS:** Total amount of contracts not to exceed \$2,100,000. Vendors on contract are Thatcher Co. of Arizona, Hill Brothers Chemical Co., DPC Ent., Commercial Pool Repair, Los Angeles Chemical Co., Hasa, Inc., Basic Chemical Solutions, LLC, Altivia Corporation, Calgon Carbon Corporation, Polydyne, Inc., Salt Works, Chalum, Inc., LCI, Ltd., Kemiron Companies, Inc. and Occidental Chemical

Corporation

**DOCUMENT NAME:** [20060119fst09.pdf](#) **PURCHASES (1004-01)** MU6-505-2185-1, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 and 15

32. Request approval to utilize a one-year City of Scottsdale contract with Portable Computer System, Inc., for Panasonic laptop computer equipment.

**COMMENTS:** Total cost of this contract shall not exceed \$169,000 during the initial contract period. Contract #05PB050

**DOCUMENT NAME:** [20060119fsdl10.pdf](#) **PURCHASES (1004-01)**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*33. This is the **introduction and first public hearing** for an ordinance abandoning a Public Utility Easement at 200 East Southern Avenue. **The second public hearing is set for February 2, 2006.**

**DOCUMENT NAME:** [20060119PWMG04.pdf](#) **ABANDONMENT (0901)**  
ORDINANCE NO. 2006.10

- \*34. This is the **introduction and first public hearing** for an ordinance granting an electrical easement to Salt River Project for the Diablo Stadium site at 2200 W. Alameda Drive. **The second public hearing is set for February 2, 2006.**

**DOCUMENT NAME:** [20060119PWTG06.pdf](#) **EASEMENT (0904-02)**  
ORDINANCE NO. 2006.11

- D. Ordinances and Items for Second Hearing/Final Adoption

- \*35. This is the **second public hearing** for a General Plan 2030 Projected Land Use map amendment, a zoning map amendment from General Industrial to R1-4 (Single Family Residential) and a Preliminary and Final Subdivision Plat for TEMPE VILLAGE at 9160 S. Hardy Drive.

**COMMENTS:** A LEGAL PROTEST HAS BEEN FILED IN THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 of 7) IS REQUIRED FOR APPROVAL. The Planning and Zoning Commission voted 6-0 against the proposal as submitted. Staff is recommending the proposal as submitted, subject to Conditions 1-10. An affirmative vote by 6 of the 7 Councilmembers would result in approval of the project as recommended by staff.

(Norm Schrock, Woodside Homes, property owner) (CC050092)

**Resolution No. 2005.64 #GEP-2005.05** for a General Plan 2030 Projected Land Use map amendment for approximately 18 acres from Mixed-Use to Residential with a Density map amendment from Medium Density (up to 15 dwelling units/acre) to Low to

Moderate Density (up to 9 du/ac) with an actual density of 6 du/ac, and for 3.17 acres from Mixed-Use to Private Open Space, with a Density designation of zero, located at 9160 S. Hardy Drive.

#ORD 2005.78 #ZON-2005.20 for a zoning map amendment from GID, General Industrial to R1-4, Single Family Residential on 21.08 gross acres.

#SBD-2005.109 for a Preliminary and Final Subdivision Plat, consisting of 120 lots and 7 tracts on 21.08 gross acres.

DOCUMENT NAME: [20060119dsdk02.pdf](#) [20060119dsdk02a.pdf](#) PLANNED DEVELOPMENT (0406) LAND USE GENERAL PLAN (0401-01)

- \*36. **REQUEST TO CONTINUE TO FEBRUARY 2, 2006** the second public hearing for a Planned Area Development Overlay and a use permit to allow tandem parking in the R-3 Multi-family Residential Limited and MU-4 Mixed-Use, High Density Districts for FARMER AVENUE LOFTS at 400 South Farmer Avenue.

**COMMENTS:** (Pat Logue, Tempe Ancala Group LLC, property owner / Clare H. Abel, Burch & Cracchiolo, P.A., applicant) (CC050098) #SPD-2005.110 for a Planned Area Development Overlay on R-3 Multi-family Residential Limited and MU-4 Mixed-Use, High Density Districts, for 18 new townhomes (6 two-bedroom Live/Work units and 12 two-bedroom plus den residences) of approximately 41,000 square feet of building area on 1.5 acres, including the following:

Use permit

1. To allow tandem parking

DOCUMENT NAME: [20060119dsdk04.pdf](#) PLANNED DEVELOPMENT (0406)

E. Resolutions

37. Request approval of a resolution adopting the restated Section 457(b) Eligible Deferred Compensation Plan to incorporate new model language provided by the Internal Revenue Service.

DOCUMENT NAME: [20060119HRJH01.pdf](#) DEFERRED COMPENSATION PLAN (0303-01-01) RESOLUTION NO. 2006.05

38. Request approval of a resolution ordering and calling a special bond election to be held in and for the City of Tempe, Arizona, on May 16, 2006, to submit to the qualified electors thereof the question of authorizing the issuance and sale of \$210,500,000 principal amount of general obligation bonds, project of 2006.

DOCUMENT NAME: [20060119fsae01.pdf](#) GENERAL OBLIGATION BOND ADMINISTRATION (0203-03) RESOLUTION NO. 2006.10

39. Request approval of resolution authorizing the Mayor to execute the Second Amendment to Development Agreement with Tempe Land Company LLC (Centerpoint Condominiums).

DOCUMENT NAME: [20060119cdcm01.pdf](#)  
(0406) RESOLUTION NO. 2006.09

DEVELOPMENT PROJECT

**6. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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